



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Schrimmer et al.

Group Art Unit: 3711

For: ILLUMINATED GOLF BALL

Examiner: Not yet assigned

Serial No.: 09/086,393

Filed: May 28, 1998

Attorney

Docket No.: 5104/71695

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this date.

Date

Express Mail Label No.

**PETITION UNDER 37 C.F.R. 1.47(a)
TO MAKE APPLICATION ON BEHALF OF ONE INVENTOR**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The Petitioner, Mitchell J. Weinstein, as attorney of record for and on behalf of one of the inventors, Michael L. Schrimmer, hereby seeks to have the present application accepted in the United States Patent and Trademark Office based upon a Declaration signed by Michael L. Schrimmer, and without the signature of one of the inventors, namely, Thomas Musial. The Petitioner is the attorney of record for Michael L. Schrimmer and for the Assignee, Chemical Light, Inc.

The undersigned declares:

1. that he is the attorney of record for Michael L. Schrimmer and Chemical Light,

07/23/1998 MAR 01 00000077 09086393

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2. that on May 28, 1998 a patent application was filed in the name of Michael L. Schrimmer and Thomas Musial for ILLUMINATED GOLF BALL, which application was assigned U.S. Patent Application Serial No. 09/086,393;

3. that on June 2, 1998 Petitioner sent to Mr. Thomas Musial a letter (a copy of

which letter is attached hereto as Exhibit A) along with a copy of the specification, claims and drawings as filed, together with formal documents, namely, a Declaration and Power of Attorney and an Assignment, and requested that Mr. Musial sign the documents and return them to Petitioner;

4. that the letter was sent to Mr. Thomas Musial by registered mail, return receipt requested, at 1448 N.E. 29th, Pompano Beach, Florida 33064;

5. that Mr. Musial received the letter as evidenced by his signature on the domestic return receipt, a copy of which is enclosed herewith as Exhibit B;

6. that subsequent to Mr. Musial's receipt of the letter, Petitioner was contacted by Mr. Musial's attorney, Mr. Gary S. Cooper having an office at 3200 N.E. 14th Street, Pompano Beach, Florida 33062;

7. that in a telephone conversation with Mr. Cooper on June 19, 1998, Mr. Cooper assured Petitioner that Mr. Musial would in fact execute the formal documents and that the documents would be forthcoming;

8. that in a telephone conversation with Mr. Cooper on June 25, 1998, Mr. Cooper again assured Petitioner that Mr. Musial would execute the documents and that the documents would be forthcoming;

9. that after several weeks of attempted telephone calls to Mr. Cooper to discuss the non-receipt of the documents, on July 16, 1998, Petitioner placed a call to Mr. Cooper and was advised by Mr. Cooper that Mr. Musial had decided that he would not sign the Declaration and Power of Attorney and Assignment documents and was advised that Mr. Musial would not under any terms agree to sign the documents;

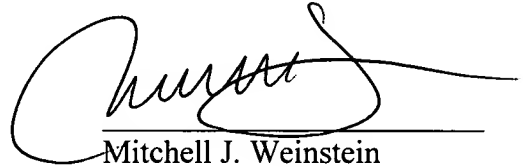
10. that on July 16, 1998, Petitioner prepared and sent a letter (A copy of which letter is attached hereto as Exhibit C) to Mr. Cooper confirming the telephone conversation earlier that day and that advising Mr. Cooper, that on behalf of Michael Schrimmer and Chemical Light Inc. Petitioner would take those actions necessary to continue prosecution of the subject application.

Petitioner hereby declares that he has made diligent efforts to obtain the signature of Mr. Thomas Musial in connection with the present application and that Petitioner has not been able to

S.N. 09/086,393

do so due to Mr. Musial's refusal to execute the Declaration.

Petitioner hereby requests that the present application be accepted by the U.S. Patent and Trademark Office with the signature one of the inventors, Michael L. Schrimmer.

A handwritten signature in black ink, appearing to read 'Mitchell J. Weinstein', is written over a horizontal line.

Mitchell J. Weinstein
Reg. No. 37,963

July 21, 1998
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500 (telephone)
(312) 655-1501 (facsimile)

File

WELSH & KATZ, LTD.

Attorneys at Law

120 SOUTH RIVERSIDE PLAZA • 22ND FLOOR
CHICAGO, ILLINOIS 60606

TELEPHONE (312) 655-1500
FACSIMILE (312) 655-1501

A. SIDNEY KATZ*
RICHARD L. WOOD*
JEROLD B. SCHNAYER
ERIC C. COHEN
JOSEPH R. MARCUS
GERALD S. SCHUR
GERALD T. SHEKLETON
JAMES A. SCHEER
DANIEL R. CHERRY
ROBERT B. BREISBLATT
JAMES P. WHITE
R. MARK HALLIGAN
HARTWELL P. MORSE, III
EDWARD P. GAMSON, Ph.D.
KARA E.F. CENAR
KATHLEEN A. RHEINTGEN
THOMAS W. TOLPIN*
ELLIOTT C. BANKENDORF
RICHARD W. McLAREN, JR.
JOHN L. AMBROGI
JULIE A. KATZ
JON P. CHRISTENSEN

* ALSO ADMITTED IN DISTRICT OF COLUMBIA

June 2, 1998

Writer's Direct Dial
(312) 526-1553

ERIC D. COHEN
WALTER J. KAWULA, JR.
LEONARD FRIEDMAN
STEVEN E. FELDMAN
IK HYUN SEO
PHILIP D. SEGREST, JR.
JEFFREY W. SALMON
MITCHELL J. WEINSTEIN
SHANNON L. NEBOLSKY, Ph.D.
ELIZABETH D. McGOOGAN
RICHARD J. GURAK
SCOTT M. GETTLESON
J. ARON CARNAHAN
MICHAEL A. BONDI

OF COUNSEL
DONALD L. WELSH
LAURIE A. HAYNIE

WASHINGTON OFFICE
CRYSTAL PLAZA ONE • SUITE 206
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VIRGINIA 22202-3603
TELEPHONE (703) 415-4777

Registered Mail
Return Receipt Requested

Mr. Thomas Musial
1448 N.E. 29th
Pompano Beach, Florida 33064

**Re: U.S. Patent Application
for ILLUMINATED GOLF BALL
Our File No. 5104/71695**

Dear Mr. Musial:

As you know, we represent Chemical Light, Inc. in its intellectual property matters. Over the past several months, you have been involved with Chemical Light in the above-noted invention, for which a U.S. Patent Application has been filed. A copy of that application is enclosed.

The above-noted U.S. Patent Application was filed naming you as one of the inventors of the subject matter disclosed and claimed in the application. To this end, we are enclosing for your execution a Declaration and Power of Attorney and an Assignment assigning the rights in the application to Chemical Light, Inc. We ask that on behalf of Chemical Light, Inc., you sign the Declaration and Power of Attorney in the space indicated and sign the enclosed Assignment in the space indicated. Please have the Assignment notarized when you sign it. We will reimburse you for any reasonable costs that you may incur in having the notarization performed for the Assignment document. We also enclose a return Federal Express envelope and label. After you sign the Declaration and Power of Attorney document and the Assignment, you can place the documents in the enclosed envelope and send them back to us via Federal Express with the enclosed return airbill. You will note that the airbill has been completed so that any costs associated with sending the documents to us will be borne by us and will not require that you incur any expenses for returning the documents to us.

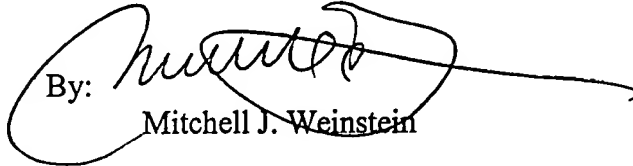
EXHIBIT A

Mr. Thomas Musial
June 2, 1998
Page 2

We look forward to receiving the signed documents from you shortly. In the event that you have questions or concerns regarding any of the enclosed, we ask that you contact me directly to resolve any matters.

Very truly yours,

WELSH & KATZ, LTD.

By: 
Mitchell J. Weinstein

MJW/kl
Enclosures

cc: Chemical Light, Inc.

Registered No. 279508425

Date Stamp

To Be Completed By Post Office	Reg. Fee \$ <u>4.85</u>	Special Delivery \$
	Handling Charge \$	Return Receipt \$ <u>1.10</u>
	Postage \$ <u>1.47</u>	Restricted \$ Delivery
	Received by <u>C. Claur</u>	



To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	Customer Must Declare Full Value \$ <u>NV</u>	<input type="checkbox"/> With Postal Insurance
		<input type="checkbox"/> Without Postal Insurance

\$25,000 International Indemnity Is Limited (See Reverse)

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	<u>MITCHELL J. WEINSTEIN, ESQ.</u> <u>WELSH & KATZ LTD</u> <u>100 S. RIVERSIDE PLAZA, 22</u> <u>CHICAGO, IL 60606</u>
	TO	<u>Mr. Thomas Mural</u> <u>1448 N.E. 29th</u> <u>Pompano Beach, FL 33064</u>

PS Form 3806,
February 1995

Receipt for Registered Mail

(Customer Copy)

(See Information on Reverse)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1998 JUN -8 AM

MR. THOMAS MUSIAL
1448 N.E. 29TH
POMPAHO BEACH, FL
33064

WELSH & KATZ

4b. Article Number

R795084296

4b. Service Type

- ☒ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

6/4/98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

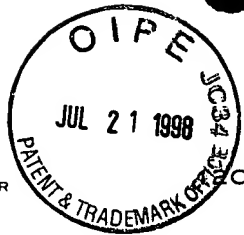
X *Tom Musial*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



WELSH & KATZ, LTD.

Attorneys at Law

300 SOUTH RIVERSIDE PLAZA • 22ND FLOOR
CHICAGO, ILLINOIS 60606

TELEPHONE (312) 655-1500
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July 16, 1998

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(312) 526-1553

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Gary S. Cooper, Esq.
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Our File No. 5104/71695**

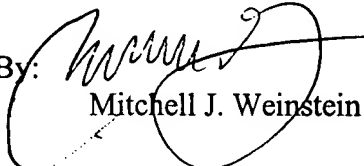
Dear Gary:

This is to confirm our telephone conversation today regarding the execution of the formal documents namely, the Declaration and Power of Attorney and Assignment by Mr. Thomas Musial in connection with the above-identified U.S. Patent Application. It is unfortunate that you have advised me at this late point in time that Mr. Musial refuses to execute the documents for this application. Should Mr. Musial have a change of heart, please let me know. On behalf of Chemical Light, Inc., I will file whatever documents are necessary in order to continue prosecution of this application without Mr. Musial's cooperation.

Should you have any questions or concerns regarding this matter, please do not hesitate to call.

Very truly yours,

WELSH & KATZ, LTD.

By: 
Mitchell J. Weinstein

MJW/kls
cc: Michael L. Schrimmer
Chemical Light, Inc.